

CITY OF TORONTO

BY-LAW 1065-2022

To amend City of Toronto Municipal Code Chapter 349, Animals, and Chapter 441, Fees and Charges, with respect to feeding wildlife, limiting the number of guinea pigs, rabbits and domestic pigeons that may be kept, prohibitions of animals at large and other provisions with respect to animals in the City.

Whereas under Section 8 of the City of Toronto Act, 2006, the City may pass by-laws respecting animals;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 349, Animals, is amended as follows:

A. Adding the following definitions to § 349-1:

FEED - Providing food to, or leaving food for consumption by, wildlife, but does not include:

- a. keeping compost in accordance with City by-laws;
- b. keeping food in a bird feeding device in compliance with this chapter;
- c. providing water to a domestic animal; or
- d. growing fruits and vegetables in gardens.

BIRD FEEDING DEVICE - Any instrument, tool, appliance or thing meant or intended to hold food for birds.

SONGBIRD - A bird belonging to the oscine division in ornithology.

WILDLIFE - An animal that belongs to a species that is wild by nature, but does not include:

- a. Domestic animals; or
- b. a feral or stray cat.

B. Amending § 349-5 so that it reads as follows:

§ 349-5. Number of animals restricted.

- A. No person shall keep more than three dogs in and about any dwelling unit within the City, except that any person who, on the date of the passage of

this chapter, was lawfully keeping more than three dogs may keep those dogs until they have died or are otherwise disposed of.

- B. No person shall keep in any dwelling unit more than six cats, except that any person who, on the date of the passage of this chapter, is lawfully keeping more than six cats, may keep those cats until they have died or are otherwise disposed of.
 - C. Subsection 349-5A, 349-4B or 349-5E shall not apply to individual members of a rescue group who are keeping dogs, cats, rabbits or guinea pigs for or on behalf of that rescue group.
 - D. Despite Subsection A, this section shall not count service animals required by a person or persons with a disability when determining the number of dogs in Subsection A.
 - E. No person shall keep more than four rabbits or guinea pigs, or a combination of both, in and about any dwelling unit within the City.
 - F. Despite Subsection E:
 - a. Where a person on December 1, 2022 was lawfully keeping any combination of more than four rabbits and/or guinea pigs in and about any dwelling unit within the City, that person may continue to keep those rabbits and/or guinea pigs until they have died.
 - b. Despite § 349-5Fa, where a person on December 1, 2022 was lawfully keeping any combination of 10 or more rabbits and/or guinea pigs in and about any dwelling unit within the City, that person may keep no more than 10 of those rabbits or guinea pigs, or a combination of both, in and about any dwelling unit until they have died.
- C. Adding a new § 349-6D as follows:
- D. No owner of an animal other than a cat or a pigeon shall cause or permit the animal to be at large in the City.
- D. Amending § 349-7 so that it reads as follows:
- § 349-7. Enclosures for animals kept out of doors.
- A. If an animal, other than a cat, is, at any time, kept outside on the owner's premises for any continuous period exceeding thirty minutes, then the person having the custody or control of the animal shall provide for that animal's use, at all times, a weather-proofed and insulated enclosure that:
 - (1) includes sufficient space to allow for the normal postural and behavioural adjustments of the animal;

- (2) includes adequate amounts of ventilation and intensity of light for the animal; and
- (3) complies with any applicable standards under the Provincial Animal Welfare Services Act, 2019 or its regulations.

E. Adding a new § 349-10.1 as follows:

§ 349-10.1. Feeding wildlife.

A. No person shall feed or attempt to feed wildlife, or permit the feeding of wildlife on their property, except:

- (1) An officer, licensed trapper, authorized wildlife rehabilitator or employee of a licensed pest management operator or exterminator leaving food as bait to catch wildlife as part of their professional duties;
- (2) A person feeding wildlife as part of a research program undertaken by a university, college, government research body or wildlife research institution;
- (3) A person fishing in accordance with a valid provincial licence;
- (4) A person participating in a cultural or spiritual practice outdoors, provided the person cleans all food from the outdoor location at the conclusion of the practice; or
- (5) A person feeding songbirds as follows:
 - (a) the food intended for the songbirds is placed in a bird feeding device that is sufficiently above grade so as to not attract or be accessible to wildlife;
 - (b) the bird feeding device is located on private property, and the property owner or occupant has given permission for the installation and use of the bird feeding device;
 - (c) any food spilled from the bird feeding device is removed in a timely manner such that it does not attract other wildlife; and
 - (d) the bird feeding device is kept in sanitary condition and in good working order.

F. Deleting the word "shall" from §349-15B and replacing it with the word "may".

G. Amending §349-18 so that it reads as follows:

§ 349-18. Removal of excrement.

- A. Every owner of a dog shall immediately remove excrement left by the dog on property anywhere within the City other than the property of the owner.
- B. Every owner of a dog shall remove excrement left by the dog on the property of the owner within 24 hours.
- H. Amending §349-25A by deleting the word "stray";
- I. Adding a new §349-25B as follows:
 - B. No person shall keep more than the following number of pigeons on any property within the City:
 - (1) 30 pigeons from and including November 1 of one year to and including March 31 of the subsequent year; or
 - (2) 50 pigeons from and including April 1 to and including October 31 in any year.
- J. Adding new §349-27.3 and §349-27.4 as follows:

§ 349-27.3. Orders to comply.

 - A. An officer who finds a contravention of this Chapter may make one or more orders requiring discontinuance of the contravening activity or to do work to correct the contravention under section 384 or 385 of the City of Toronto Act, 2006.
 - B. An order may be of immediate effect should the Executive Director determine that a delay would result in circumstances that endanger the health or safety of any person, animal, or similarly serious consequences.
 - C. An order or any other notice or document may be served:
 - (1) personally on the person to whom it is directed;
 - (2) by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed; or
 - (3) by email, at any email address determined by the Executive Director to be related to the person, in which case it shall be deemed to have been given on the day it is emailed.
 - E. If there is evidence that a person is not the registered property owner or occupant of land which is the subject of the order, the order or any other notice or document may be served on both the registered property owner or occupant and the person.

- F. If the address of the person is unknown, the City is unable to effect service on the person under Subsection C, or the delay necessary to serve an order or any other notice or document under Subsection C would result in circumstances that endanger the health or safety of any person, animal, or similarly serious consequences, a placard stating the terms of the order and placed in a conspicuous place upon or near to land within the City shall be deemed to be sufficient notice to the registered property owner or occupant of that land.

§ 349-27.4. Remedial action.

If a person fails to comply with an order to do work to correct a contravention of this Chapter, the Executive Director, or persons acting upon their instructions, may enter the lands at any reasonable time for the purposes of doing the things described in the order at the person's expense.

2. City of Toronto Municipal Code Chapter 441, Fees and Charges, is amended by:
- A. Deleting the following from Appendix C – Schedule 12, Municipal Licensing and Standards:

Delete from: Ref No.	Delete from: Service Fee	Delete from: Description	Delete from: Category	Delete from: Fee Basis	Delete from: Fee	Delete from: Annual Adjustment
81	Pet Licence Issuance	Impound Fee Cat. The first day of care in the animal shelter	Market Based	1st 24 Hours or Part Thereof	\$30	No
82	Pet Licence Issuance	Impound Fee Cat. The daily care, food and board of animal	Market Based	Subsequent Per Diem	\$10	No
104	Shelter & Care	Fee charged when the pet owner surrenders other domestic animal	City Policy	Per Animal	\$35.43	Yes
112	Shelter & Care	Protective Care (Dog/Cat)	City Policy	1st 24 Hours or Part Thereof	\$40	No
114	Shelter & Care	Protective Care Cat	City Policy	Subsequent per Diem per Animal	\$10	No

B. Adding the following to Appendix C – Schedule 12, Municipal Licensing and Standards:

Add to: Ref No.	Add to: Service Fee	Add to: Description	Add to: Category	Add to: Fee Basis	Add to: Fee	Add to: Annual Adjustment
495	Shelter & Care	Impound fee for seized prohibited animal	Full Cost Recovery	Actual cost to house prohibited animal + Administrative Fee	Actual cost to house prohibited animal + \$140.00	No
496	Shelter & Care	Fee charged when the pet owner surrenders other domestic animal (weighs 45kg or greater)	City Policy	Per Animal	\$59.06	Yes
81	Pet Licence Issuance	Impound Fee Cat/Other Domestic Animal	Market Based	1st 24 Hours or Part Thereof	\$30	No
82	Pet Licence Issuance	Impound Fee Cat/Other Domestic Animal	Market Based	Subsequent Per Diem	\$10	No
104	Shelter & Care	Fee charged when the pet owner surrenders other domestic animal (weighs less than 45 kg)	City Policy	Per Animal	\$35.43	Yes
112	Shelter & Care	Protective Care (Dog/Cat/Other Domestic Animal)	City Policy	1st 24 Hours or Part Thereof	\$40	No

City of Toronto By-law 1065-2022

Add to: Ref No.	Add to: Service Fee	Add to: Description	Add to: Category	Add to: Fee Basis	Add to: Fee	Add to: Annual Adjustment
114	Shelter & Care	Protective Care Cat/Other Domestic Animal)	City Policy	Subsequent per Diem per Animal	\$10	No

3. This by-law shall come into force on the day it is passed, except for the following sections:

A. Sections 1B and 1I of this by-law shall come into force on December 1, 2022.

B. Sections 1A and 1E of this by-law shall come into force on April 1, 2023.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)